

5-16-05

Rce # 174



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ATTORNEY DOCKET NO.: 069060-5013-US  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael L. BOYER II et al.

Application No.: 09/814,224

Filed: March 22, 2001

For: MULTIPIECE IMPLANTS FORMED  
OF BONE MATERIAL

Confirmation No.: 2289

Group Art Unit: 3738

Examiner: Alvin J. Stewart

**Mail Stop RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the  
above-identified application.

1. Submission required under 37 C.F.R. § 1.114

☒ [ X ] Previously submitted:

☒ [ X ] Please enter/consider the amendment(s)/reply under 37 C.F.R. § 1.116  
previously filed on March 14, 2005. (Any un-entered amendment(s)  
referred to above will be entered).

☐ [ ] Please consider the arguments in the Appeal Brief or Reply Brief  
previously filed on \_\_\_\_\_.

☐ [ ] Other \_\_\_\_\_.

☒ [ X ] Enclosed:

☐ [ ] Preliminary Amendment/Reply filed with RCE under 37 C.F.R. § 1.114

☐ [ ] Affidavit(s)/Declaration(s)

☐ [ ] Information Disclosure Statement

☒ [ X ] Other copy of Amendment/Reply filed March 14, 2005.

05/16/2005 YPOLITE1 00000049 500310 09814224

01 FC:1801 790.00 DA

05/16/2005 YPOLITE1 00000049 500310 09814224

02 FC:1852 450.00 DA

1852/1908197.1

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- ☐ Other \_\_\_\_\_.

## 3. Fees Calculation

## (a) RCE Fee required under 37 C.F.R. § 1.17(e)

- ☒ \$790.00
- ☐ \$395.00 (for small entity)

## (b) Extension of Time

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1, 020.00	\$510.00
<input type="checkbox"/> four months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$ 450.00.

If an additional extension of time is required, please consider this a Petition therefore.

- ☐ An extension for \_\_\_\_ month(s) has already been secured and the fee paid therefore of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

## (c) Suspension of Action under 37 C.F.R. § 1.103(c)

- ☐ A fee of \_\_\_\_\_ as set out in 37 C.F.R. § 1.17(i).

(d.) Excess Claim Fee (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus			x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus		0	x \$200 each=	+ \$
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$

The total fee for this submission: \$1,240.00

## 4. Fee Payment

☐ Check in the amount of \$\_\_\_\_\_ filing fee is enclosed.

☒ The Director is hereby authorized to charge \$1,240.00 (RCE filing fee and two months extension fee), and any other fee(s) that may be due with this filing, to **Deposit Account No. 50-0310**.

## 5. Additional papers enclosed:

☐ Preliminary Amendment

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

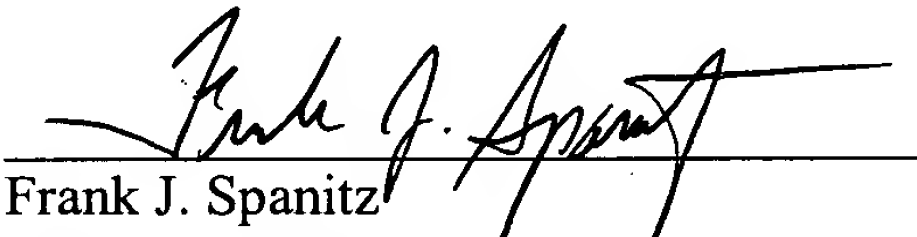
☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: May 12, 2005

By:

  
Frank J. Spanitz  
Reg. No. 47,104

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